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May 23, 2023

Hon. Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Navarro (Seth Fishman)*
20 Cr. 160 (MKV)

Dear Judge Vyskocil:

I write as appellate counsel for Seth Fishman in connection with his appeal to the United States Court of Appeals for the Second Circuit, 22-1600(L); 22-2063 (con). I have also appeared with Steven L. Kessler in relation to the criminal forfeiture issues pending before this Court.

On January 31, 2023, Dr. Fishman filed a motion in the Court of Appeals for permission to file his brief on or before May 9, 2023 because of the anticipated forfeiture hearing, set for March 6, 2023. That motion was granted. Then, on April 10, 2023, Dr. Fishman filed a motion for permission to file his brief by July 10, 2023 in anticipation of a decision of the outstanding criminal forfeiture issues. That motion also was granted.

The government will consent to an additional extension of time for filing our opening brief in the Court of Appeals. However, I am concerned that, without having an approximate date by when the forfeiture-related decision will be rendered, the Second Circuit may be reluctant to further extend the parties' time to file.

We would appreciate if the Court would provide the parties with an idea of when we could expect a decision on the forfeiture issues. We will then relay that information to the Court of Appeals, enabling them to set our briefing schedule accordingly.

Respectfully,

/s/ Richard D. Willstatter
RICHARD D. WILLSTATTER